

**REMARKS**

REPLY IN ACCORDANCE WITH 37 CFR § 1.111  
AND REQUEST FOR RECONSIDERATION

The Examiner has rejected pending Claims 1 - 4 and 7 - 17 as being anticipated by US patent no. 5,814,696, Saiki et al. ("Saiki"). Claims 5 and 6 were found to be allowable but were objected as being dependent on a rejected base claim.

Saiki's invention is directed to polyester resins in which the soft segments are derived from a dicarboxylic acid and a glycol having more than 5 carbon atoms, preferably 5 to 12 carbon atoms. Thus, the invention of Saki is a *copolyester* ester.

Applicants' invention is directed to a *copolyether* ester elastomer. The copolyether ester elastomer has a soft segment derived from a long chain polyether glycol and a dicarboxylic acid.

The Saiki reference does disclose, at column 12, lines 14 through 19, the use of a polyether ester elastomer using polytetramethylene glycol in the soft segment (Resin 4). However, as can be seen from Table 2 at the bottom of column 12 and the top of column 13, the use of Resin 4 is in *comparative* example 3 in the Saiki reference. Moreover, the Saiki reference contains no disclosure as to whether the soft segment in Resin 4 includes a dicarboxylic acid and if so, what type. Furthermore, the amount of Resin 4 present in the comparative example 3 is 16 weight percent. Applicants have amended Claim 1 of the present application to limit the amount of polyether ester elastomer to between 20 and 70 weight percent, based upon the total weight of the composition. This limitation was originally presented in Claim 7, which has now been canceled.

Applicants have further amended Claims 1 and 15 to incorporate the transition term "consisting essentially of" to defining the scope to the blend to exclude such additional components as would change the basic nature of the invention, i.e. "a molded composition having an inhomogeneous structure comprising an inner part and a surface part, the surface

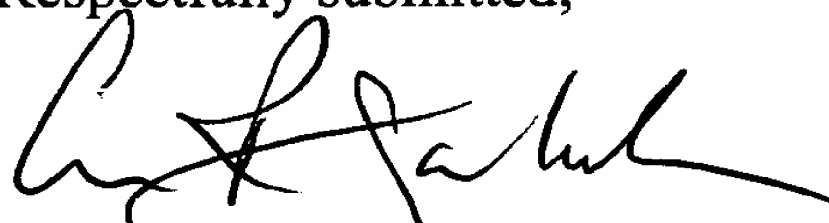
part being rich in the elastomer and poor in the polyester resin and the reinforcing filler compared to the inner part."

Other minor amendments have been made in the claim numbering to conform to the incorporation of the limitations of Claim 7 into Claim 1 and to correct a minor drawing error in the specification and Claim 5 with respect to the placement of the "O" atoms over the "C" atoms and the placement of the double bonds therebetween in the formulas.

Applicants have amended Claims 1 and 15 so that the claimed composition is not anticipated by the Saiki reference and it is respectfully requested that this basis for rejection be withdrawn. Furthermore, Applicants assert that the claimed composition is not rendered obvious by the Saiki reference or any other reference of record. There is no teaching or suggestion that the limitations of the weight percent of the polyether ester in combination with a hard polyester as set forth in amended Claim 1 can produce a molded composition having the inhomogeneous structure described in the claim.

Applicants, having shown all claims to now be in a condition for allowance, respectfully solicit an office action consistent therewith.

Respectfully submitted,



**ARNE R. JARNHOLM**  
ATTORNEY FOR APPLICANTS  
Registration No.: 30,396  
Telephone: (302) 992-2394  
Facsimile: (302) 992-3257

Dated: June 22, 2004